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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,892

09/12/2003

Joel A. Horn

1945/US/2

6968

20686

7590

07/25/2007

DORSEY & WHITNEY, LLP

INTELLECTUAL PROPERTY DEPARTMENT.

370 SEVENTEENTH STREET

SUITE 4700

DENVER, CO 80202-5647

EXAMINER

TINKLER, MURIEL S

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,892	<b>Applicant(s)</b> HORN ET AL.	
	<b>Examiner</b> Muriel Tinkler	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been reviewed. Claims 1-29 are pending. The rejection(s) are as follows.

#### ***Claim Objections***

1. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 states, "The apparatus of claim 10, wherein a plurality of the modules may simultaneously operate on the loan application". Claim 10 already states, "the plurality of modules may simultaneously operate on the loan application" in lines 11-12."

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 8-13, 18 and 21-29 rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al. (US 2002/0059137), hereafter referred to as Freeman.

5. Claims 1, 10, 11 and 21 discusses a computer-implemented method and apparatus for managing mortgage broker workflow, comprising: receiving a loan application; generating an indication of at least one document required to approve the loan application; electronically receiving the at least one document; storing the at least one document; providing access to the at least one documents; electronically underwriting the at least one document; and in response to electronically underwriting the at least one document, electronically approving the loan application.

6. Freeman discloses: receiving a loan application in paragraph 46; indicating at least one document is required in paragraphs 7 and 47; electronically receiving at least one document in paragraph 48; storing at least one document in paragraphs 38 and 47; providing access to at least one document in paragraphs 33-34; electronically underwriting at least one document in paragraph 40; and, electronically approving a loan application in paragraph 60.

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7. Claims 2 and 28 discuss the method of claims 1 and 21, further comprising: generating an indication of a second document required to approve the loan application; and at least beginning the operation of electronically underwriting the at least one document prior to receiving the second document. See the rejection of claims 1 and 21 above. Freeman discloses: the use of several documents in paragraph 40; and, conditional approval in paragraph 9.

8. Claim 8 discusses the method of claim 1, further comprising the operation of." in response to generating an indication of at least one document required to approve the loan application, automatically requesting the at least one document. See the rejection of claim 1 above. Freeman discloses automatically requesting at least one document in paragraph 40.

9. Claim 9 discusses the method of claim 8, wherein the operation of electronically underwriting the at least one document comprises: in response to storing the at least one document, automatically initially underwriting the at least one document to generate an initially underwritten document. See the rejection of claim 8 above. Freeman discloses conditional approval in paragraph 9.

10. Claims 12 and 29 discuss the apparatus of claims 10 and 28, wherein the document administration module electronically receives and stores the document. See

the rejection of claims 10 and 28 above. Freeman discloses storing documents in paragraphs 18 and 38.

11. Claim 13 discusses the apparatus of claim 12, wherein the administration module creates at least one document administrative rule applying to the document. See the rejection of claim 12 above. Freeman discloses administrative rules for documents in paragraphs 63 and 74.

12. Claim 18 discusses the apparatus of claim 10, wherein: the plurality of modules further comprises a quality control module operable on the document; and the quality control module must approve the loan application prior to a final approval of the loan application. See the rejection of claim 10 above. Freeman discloses: a plurality of modules for quality in paragraph 24; and, importing text and checking for errors before final approval in paragraph 54.

13. Claim 19 discusses the apparatus of claim 15, wherein: the plurality of modules further comprises a processor module operable on the document; the at least one administrative rule is a document approval criterion; the processor module may satisfy the document approval criterion, thereby approving the document. See the rejection of claim 15 above. Freeman discloses processing documents in the Abstract and paragraph 13; document approval criteria in paragraphs 63 and 74; and, approving the document in paragraph 38.

14. Claim 20 discusses the apparatus of claim 19, further comprising a scoreboard displaying a loan datum for each loan initiated within a given timeframe, the loan datum generated by one of the plurality of modules. See the rejection of claim 19 above. Freeman discloses the display of loan information for each loan in figures 4A & 4B and paragraph 43.

15. Claim 22 discusses the method of claim 21, wherein the step of dispositioning the loan application comprises approving the loan application. See the rejection of claim 21. Freeman discloses approving a loan in paragraph 58, 63 and 74.

16. Claim 23 discusses the method of claim 21, wherein the step of dispositioning the loan application comprises declining the loan application. See the rejection of claim 21 above. Freeman discloses declining a loan in paragraph 58, 63 and 74.

17. Claim 24 discusses the method of claim 21, wherein the step of communicating the receipt of the document to a plurality of modules comprises: storing the document in a folder; and in response to storing the document in a folder, updating at least one status entry in at least one table. See the rejection of claim 21 above. Freeman discloses storing a document in an electronic folder in paragraph 76; and, showing an 'internal underwriting status' in figure 4B.

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18. Claim 25 discusses the method of claim 24, wherein the at least one table may be accessed by the plurality of modules. See the rejection of claim 24 above.

Freeman discloses numerous lenders accessing the modules in paragraph 5.

19. Claims 26 and 27 discusses the method of claim 24, further comprising the operations of: operating on the loan application with a first of the plurality of modules; and operating on the loan application with a second of the plurality of modules; wherein the first and second modules operate simultaneously on the loan application; and the first module is an underwriter module and the second module is a loan officer module. See the rejection of claim 24 above. Freeman discloses a first and second plurality of modules operating simultaneously in figures 4A & 4B. See also the rejection of claim 1 above.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein



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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

22. Claims 3-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Williams et al. (US 6,988,082), hereafter referred to as Williams.

23. Claims 3 and 14 discuss the method and apparatus of claims 2 and 11, further comprising the operation of: in response to electronically approving the loan application, electronically submitting the loan application to an investor. See the rejection(s) of claims 2 and 11 above. Freeman discloses the information in claims 2 and 11. Freeman does not disclose the act of submitting the loan application to an investor after approval. Williams teaches the act of submitting the loan application to an investor after approval in column 7 (lines 44-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Freeman to include the act of selling the loan to an investor because, as shown in Williams column 1 (lines 53-65), "there exists a need for new systems and methods to make the process of buying a home quicker, easier and less costly. Particularly, a need in the industry exists for a loan platform that would enable non-traditional players to originate loan

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without having to build the prerequisite infrastructure... and reduce the costs and uncertainty associated with managing credit risk.”

24. Claim 4 discusses the method of claim 3, further comprising the operation of automatically recognizing a category for the at least one document. See the rejection(s) of claim 3 above. Freeman discloses the act of automatically recognizing a category for at least one document in figure 1 and paragraph 38.

25. Claim 5 discusses the method of claim 3, wherein the operation of electronically underwriting the at least one document comprises: determining at least one administrative rule for the at least one document; and satisfying the at least one administrative rule. See the rejection(s) of claim 3 above. Freeman discloses administrative rules for documents in paragraphs 63 and 74.

26. Claim 6 discusses the method of claim 5, wherein the operation of determining at least one administrative rule for the at least one document comprises: determining an approval category for the loan application; and in response to determining an approval category for the loan application, choosing an administrative rule for the at least one document corresponding to the approval category. See the rejection(s) of claim 5 above. Freeman discloses: determining an approval category in paragraph 58; and, choosing a rule for at least one document corresponding to the approval category in paragraphs 63 and 74.

27. Claims 7 and 15 discusses the method and apparatus of claims 5 and 14, wherein the operation of determining at least one administrative rule for the at least one document comprises determining an administrative rule for the at least one document corresponding to the investor. See the rejection(s) of claim 5 above. Freeman discloses determining at least one administrative rule (spot price) corresponding to an investor in column 4 (lines 31-46).

28. Claim 16 discusses the apparatus of claim 15, wherein the at least one investor administrative rule is a sub-setting of a loan approval category. See the rejection(s) of claim 15 above. Freeman discloses loan approval categories in paragraph 58.

29. Claim 17 discusses the apparatus of claim 16, wherein: a plurality of documents are associated with the loan approval category; and the sub-setting is associated with at least a portion of the plurality of documents, but not an entirety of the plurality of documents. See the rejection(s) of claim 16 above. Freeman discloses conditional approval in paragraph 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-

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7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT  
July 20, 2007



HANI M. KAZIMI  
PRIMARY EXAMINER